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CALIFORNIA HIGH-SPEED RAIL AUTHORITY

MEMORANDUM

To: Chairman Pringle and Authority Members **Date:** July 23, 2009

From: Mehdi Morshed, Executive Director

Subject: Agenda Item 10 – German Co-Operative Agreement

Discussion:

Attached for your review is a draft of the proposed Co-Operative Agreement between the Authority and the Federal Ministry of Transport, Building and Urban Affairs of the Federal Republic of Germany.

This agreement is similar to the agreements with French, Spain and Japan. It is intended to encourage exchange of information and it is very helpful since they have a great deal of experience with high speed trains.

Recommendation

Authorize the Chairman to execute the co-operative agreement with the Federal Ministry of Transport, Building and Urban Affairs of the Federal Republic of Germany.



CALIFORNIA HIGH-SPEED RAIL AUTHORITY

**Resolution #HSRA10-001
Regarding German Co-Operative Agreement**

Whereas, it is desirable for the California High-Speed Rail Authority to enter into a Co-Operative Agreement with the Federal Ministry of Transport, Building and Urban Affairs of the Federal Republic of Germany,

Now, therefore, be it resolved,

Resolved, that the Chairman is authorized to execute a co-operative agreement with the Federal Ministry of Transport, Building and Urban Affairs of the Federal Republic of Germany in substantially the form as shown on the draft co-operative agreement attached to this resolution.

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CALIFORNIA HIGH-SPEED RAIL AUTHORITY

**Resolution #HSRA10-002
Regarding German Memorandum of Understanding**

Whereas, it is desirable for the California High-Speed Rail Authority to enter into a Memorandum of Understanding with the Federal Ministry of Transport, Building and Urban Affairs of the Federal Republic of Germany,

Now, therefore, be it resolved,

Resolved, that the Chairman is authorized to execute a memorandum of understanding with the Federal Ministry of Transport, Building and Urban Affairs of the Federal Republic of Germany in substantially the form as shown on the draft memorandum of understanding attached to this resolution.

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Draft (As at 21/07/2009)

Memorandum of Understanding

between

the Federal Ministry of Transport, Building and Urban Affairs

of the Federal Republic of Germany

and

the California High-Speed Rail Authority

(Authority for High-Speed Rail Transportation of the State of California)

on

the Establishment and Development of Long-Term Cooperation in the Field

of High-Speed Rail Transportation

The California High-Speed Rail Authority (hereinafter referred to as the "Authority"),

and

the Federal Ministry of Transport, Building and Urban Affairs of the Federal Republic of Germany (hereinafter referred to as the "Federal Ministry")

Take into account shared aims and policies between Germany and the State of California in the field of sustainable development and struggle against global warming and share the wish to promote the potential economic, social and environmental benefits to be derived from the development of rail transportation.

I. Purpose and Scope of the Cooperation

The Authority and the Federal Ministry intend to establish and develop long-term cooperation in the field of high-speed rail transportation, with regard to exchanging publicly available information relative to the planning, technical standards, procurement methods, funding options, operation and maintenance of high-speed rail transportation systems, in accordance with their common interests.

II. Coordination of the Cooperation

Each side declares its willingness to designate a coordinator who will implement the exchange of information contemplated by this Memorandum of Understanding. Both sides can include into this exchange of information authorities, institutions and companies which in the framework of their functions and competencies have experience in the areas mentioned under I.

III. Limitation of the Cooperation and Confidentiality

Information will be exchanged on a voluntary basis, and where such exchange is neither prohibited by the respective laws and regulations nor contravenes public policy. No right of enforcement is created by this Memorandum of Understanding. This Memorandum of Understanding does not constitute an agreement for the provision of goods or services in

exchange for compensation, nor does it represent any commitment for a future agreement of that sort. This Memorandum of Understanding is not an exclusive agreement, and each party is free to enter into similar Memoranda of Understanding with other entities with an interest and technical knowledge in high-speed rail transportation.

Both sides share the view that information considered being confidential by one side shall not be released to the other side unless the latter is given prior notice of the confidentiality of such information and agrees beforehand that it will accept such information subject to the assertion of confidentiality. This provision is intended to give the receiving party an opportunity to determine whether the laws which govern it permit it to maintain the confidentiality of such information.

IV. Cost

Both sides declare that, as a principle, each side will itself bear the costs which occur through its individual activities in the framework of this cooperation.

V. Final Clause

This Memorandum of Understanding is signed in duplicate in the English language.

signed in Sacramento on 28 August 2009

For the California High-Speed Rail Authority

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For the Federal Ministry of Transport, Building and Urban Affairs

(sgd.) Prof. Dr. Lütke Daldrup